



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”)

Chamber Ref: FTS/HPC/EV/24/4896

Re: Property at Flat 1/2, 11 Archerhill Terrace, Knightswood, Glasgow, G13 4TW (“the Property”)

Parties:

Helen Kennedy, 1/1, 18 Main Street, Renton, G82 4LY (“the Applicant”)

Gary Musleh, Flat 1/2, 11 Archerhill Terrace, Knightswood, Glasgow, G13 4TW (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs M Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted.

Background

1. This is a Rule 109 application dated 27th September 2024. The Applicant is seeking an eviction order under Ground 1 of schedule 3 to the Act. The Applicant lodged a copy of a private residential tenancy agreement between the parties commencing on 12th August 2022, a notice to leave with evidence of service, section 11 notice with evidence of service, rent statement, pre-action correspondence, and evidence of intention to sell.
2. Notification of the application and Case Management Discussion was made upon the Respondent by Sheriff Officer on 1st April 2025.
3. By email dated 4th June 2025, the Applicant representative lodged submissions on reasonableness.

The Case Management Discussion

4. A Case Management Discussion ("CMD") took place by telephone conference on 3rd July 2025. The Applicant was not in attendance and was represented by Mr Gray, Gilson Gray. The Respondent was in attendance.

The Applicant's position

5. Mr Gray explained the Applicant is seeking an eviction order to allow her to sell the Property. There are rent arrears in the sum of £8335. The Applicant has suffered stress and anxiety as a result of the rent arrears, and no longer wishes to be a landlord. The Applicant does not let any other property.

The Respondent's position

6. The Respondent said he is not opposed to an order being granted. The Respondent said he can no longer afford the tenancy, due to a reduction in his hours of employment, and recent expenditure due to other significant issues. The Respondent has been in touch with the local authority and has been told he will not be considered for homeless accommodation until an eviction order has been granted. The Respondent's family circumstances have changed and he does not currently have any dependents living with him in the Property.
7. The Tribunal adjourned to consider its decision.

Findings in Fact and Law

8.
 - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 12th August 2022.
 - (ii) Notice to leave has been served upon the Respondent.
 - (iii) The Applicant intends to sell the Property.
 - (iv) The Applicant is entitled to sell the Property.
 - (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
 - (vi) It is reasonable to grant an eviction order.

Reasons for Decision

9. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground

is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.

10. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
11. The Applicant seeks to sell the Property as she no longer wishes to be a landlord, given the failure of the Respondent to pay the rent and address the arrears of rent, which has caused her stress and anxiety. The rent arrears are at a significant level and the Tribunal considered the arrears would likely increase if no order was granted.
12. The Respondent is not opposing the order. The Respondent can no longer sustain the tenancy given his financial circumstances. The Respondent has no dependents who would be affected by the granting of an order. The Respondent is in contact with the local authority homelessness team.
13. In these circumstances, the Tribunal considered it was reasonable to grant an eviction order.

Decision

14. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 11th August 2025.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Legal Member

7th July 2025

